

Last revised 8/1/15

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY**

In Re:

Dora M. Canning

Case No.:

16-10773

Judge:

ABA

Chapter:

13

Debtor(s)

Chapter 13 Plan and Motions

☐ Original

☒ Modified/Notice Required

☒ Discharge Sought

☒ Motions Included

☐ Modified/No Notice Required

☐ No Discharge Sought

Date: 01/06/2017

THE DEBTOR HAS FILED FOR RELIEF UNDER
CHAPTER 13 OF THE BANKRUPTCY CODE

YOUR RIGHTS WILL BE AFFECTED

You should have received from the court a separate *Notice of the Hearing on Confirmation of Plan*, which contains the date of the confirmation hearing on the Plan proposed by the Debtor. This document is the actual Plan proposed by the Debtor to adjust debts. You should read these papers carefully and discuss them with your attorney. Anyone who wishes to oppose any provision of this Plan or any motion included in it must file a written objection within the time frame stated in the Notice. **This Plan may be confirmed and become binding, and included motions may be granted without further notice or hearing, unless written objection is filed before the deadline stated in the Notice.**

**YOU SHOULD FILE A PROOF OF CLAIM BY THE DEADLINE STATED
IN THE NOTICE TO RECEIVE DISTRIBUTIONS UNDER ANY PLAN
THAT MAY BE CONFIRMED, EVEN IF THE PLAN REFERS TO YOUR CLAIM**

Part 1: Payment and Length of Plan

a. The debtor shall pay \$ 350.00 per month to the Chapter 13 Trustee, starting on February 2, 2017 for approximately 48 months.

b. The debtor shall make plan payments to the Trustee from the following sources:

☒ Future earnings

☒ Other sources of funding (describe source, amount and date when funds are available):

\$4200 paid to date to trustee

c. Use of real property to satisfy plan obligations:

- ☐ Sale of real property

Description:

Proposed date for completion: _____

- ☐ Refinance of real property:

Description:

Proposed date for completion: _____

- ☐ Loan modification with respect to mortgage encumbering property:

Description: First mortgage held by Seterus against 139 W. Crocus Road

Proposed date for completion: _____

- d. ☐ The regular monthly mortgage payment will continue pending the sale, refinance or loan modification.

- e. ☐ Other information that may be important relating to the payment and length of plan:

Part 2: Adequate Protection

a. Adequate protection payments will be made in the amount of \$ _____ to be paid to the Chapter 13 Trustee and disbursed pre-confirmation to _____ (creditor).

b. Adequate protection payments will be made in the amount of \$ _____ to be paid directly by the debtor(s) outside the Plan, pre-confirmation to: _____ (creditor).

Part 3: Priority Claims (Including Administrative Expenses)

All allowed priority claims will be paid in full unless the creditor agrees otherwise:

Creditor	Type of Priority	Amount to be Paid
Chapter 13 Trustee	Administrative	As allowed by court
Law Offices of Nona L. Ostrove, LLC	Administrative	\$1800 plus expenses for loan modification work (supplemental application to be filed). Original retainer paid in full prior to filing of bankruptcy

Part 4: Secured Claims

a. Curing Default and Maintaining Payments

The Debtor shall pay to the Trustee (as part of the Plan) allowed claims for arrearages on monthly obligations and the debtor shall pay directly to the creditor (outside the Plan) monthly obligations due after the bankruptcy filing as follows:

Creditor	Collateral or Type of Debt	Arrearage	Interest Rate on Arrearage	Amount to be Paid to Creditor (In Plan)	Regular Monthly Payment (Outside Plan)

b. Modification

1.) The debtor values collateral as indicated below. If the claim may be modified under Section 1322(b)(2), the secured creditor shall be paid the amount listed as the "Value of the Creditor Interest in Collateral," plus interest as stated. The portion of any allowed claim that exceeds that value shall be treated as an unsecured claim. If a secured claim is identified as having "NO VALUE" it shall be treated as an unsecured claim.

NOTE: A modification under this Section ALSO REQUIRES the appropriate motion to be filed under Section 7 of the Plan.

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Superior Liens	Value of Creditor Interest in Collateral	Annual Interest Rate	Total Amount to be Paid
Discover Bank (listed as Discovery Bank on judgment docket)	Debtor's residence	\$19,701.22	\$150,000	\$134,007.88	\$0.00 due to allowed exemption	n/a	\$0.00 (except as an unsecured creditor pro rata)

2.) Where the Debtor retains collateral and completes the Plan, payment of the full amount of the allowed secured claim shall discharge the corresponding lien.

c. Surrender

Upon confirmation, the stay is terminated as to surrendered collateral. The Debtor surrenders the following collateral:

Creditor	Collateral to be Surrendered	Value of Surrendered Collateral	Remaining Unsecured Debt

d. Secured Claims Unaffected by the Plan

The following secured claims are unaffected by the Plan:

Second mortgage held by TD Bank to be paid outside of plan. First mortgage currently serviced by Rushmore Loan Services, Inc. and held by MTGLQ Investors, LP being paid outside of plan pursuant to modification agreement.

e. Secured Claims to be Paid in Full Through the Plan:

Creditor	Collateral	Total Amount to be Paid Through the Plan

Part 5: Unsecured Claims

a. Not separately classified allowed non-priority unsecured claims shall be paid:

☐ Not less than \$ _____ to be distributed *pro rata*

☐ Not less than _____ percent

☒ *Pro Rata* distribution from any remaining funds

b. Separately classified unsecured claims shall be treated as follows:

Creditor	Basis For Separate Classification	Treatment	Amount to be Paid

Part 6: Executory Contracts and Unexpired Leases

All executory contracts and unexpired leases are rejected, except the following, which are assumed:

Creditor	Nature of Contract or Lease	Treatment by Debtor

Part 7: Motions

NOTE: All plans containing motions must be served on all potentially affected creditors, together with local form, *Notice of Chapter 13 Plan Transmittal*, within the time and in the manner set forth in D.N.J. LBR 3015-1. A *Certification of Service* must be filed with the Clerk of Court when the plan and transmittal notice are served.

a. Motion to Avoid Liens Under 11. U.S.C. Section 522(f).

The Debtor moves to avoid the following liens that impair exemptions:

Creditor	Nature of Collateral	Type of Lien	Amount of Lien	Value of Collateral	Amount of Claimed Exemption	Sum of All Other Liens Against the Property	Amount of Lien to be Avoided
Discover Bank (listed as Discovery Bank on Judgment Docket J-165019-10)	Residence	Judgment lien	\$19701.22 plus court costs of \$267.20	\$150,000	\$15,992.12	\$134,007.88	Full amount of judgment

b. Motion to Avoid Liens and Reclassify Claim From Secured to Completely Unsecured.

The Debtor moves to reclassify the following claims as unsecured and to void liens on collateral consistent with Part 4 above:

Creditor	Collateral	Amount of Lien to be Reclassified

c. Motion to Partially Void Liens and Reclassify Underlying Claims as Partially Secured and Partially Unsecured.

The Debtor moves to reclassify the following claims as partially secured and partially unsecured, and to void liens on collateral consistent with Part 4 above:

Creditor	Collateral	Amount to be Deemed Secured	Amount to be Reclassified as Unsecured

Part 8: Other Plan Provisions

a. Vesting of Property of the Estate

- ☒ Upon confirmation
☐ Upon discharge

b. Payment Notices

Creditors and Lessors provided for in Parts 4, 6 or 7 may continue to mail customary notices or coupons to the Debtor notwithstanding the automatic stay.

c. Order of Distribution

The Trustee shall pay allowed claims in the following order:

- 1) Trustee commissions
- 2) Unsecured creditors
- 3) _____
- 4) _____

d. Post-Petition Claims

The Trustee ☐ is, ☒ is not authorized to pay post-petition claims filed pursuant to 11 U.S.C. Section 1305(a) in the amount filed by the post-petition claimant.

Part 9: Modification

If this Plan modifies a Plan previously filed in this case, complete the information below.

Date of Plan being Modified: 01/5/2016.

Explain below why the plan is being modified:

Plan is being modified as debtor received loan modification from Rushmore Loan Services on first mortgage. The new monthly payment will be \$1,180.43. (The payment was \$1299.00 when petition was filed).

Explain below how the plan is being modified:

Only modification is to remove provision providing for loan modification. First mortgage will not be paid outside the Chapter 13 plan. Payment remains the same. Counsel for debtor will also be requesting supplemental fees for work in representing debtor in connection with loan modification.

Are Schedules I and J being filed simultaneously with this Modified Plan? ☐ Yes ☒ No

Part 10: Sign Here

The Debtor(s) and the attorney for the Debtor (if any) must sign this Plan.

Date: 01/09/2017

/s/Nona L. Ostrove
Attorney for the Debtor

I certify under penalty of perjury that the above is true.

Date: 01/05/2017

/s/Dora Mae Canning
Debtor

Date: _____

Joint Debtor

Certificate of Notice Page 8 of 9
 United States Bankruptcy Court
 District of New Jersey

In re:
 Dora Mae Canning
 Debtor

Case No. 16-10773-ABA
 Chapter 13

CERTIFICATE OF NOTICE

District/off: 0312-1

User: admin
 Form ID: pdf901

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 Total Noticed: 34

Date Rcvd: Jan 10, 2017

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Jan 12, 2017.

db +Dora Mae Canning, 139 West Crocus Road, Wildwood, NJ 08260-1323
 lm +Seterus Inc, 14523 SW Millikan Way St., Beaverton, OR 97005-2352
 cr +Seterus, Inc. as the authorized servicer for Fe, P.O. Box 1047, Hartford, CT 06143-1047
 lm +Seterus, Inc., servicing agent for Federal National, c/o Registered Agent,
 The Corporation Trust Company, 820 Bear Tavern Road, West Trenton, NJ 08628-1021
 515948878 ++BANK OF AMERICA, PO BOX 982238, EL PASO TX 79998-2238
 (address filed with court: Bank of America, PO Box 982235, El Paso, TX 79998-2235)
 515948879 +Barclay's Bank Delaware, 700 Prides Crossing, Newark, DE 19713-6102
 515948880 Capital One/Boscov's, PO Box 30253, Salt Lake City, UT 84130-0253
 515948881 Chase, PO Box 15298, Wilmington, DE 19850-5298
 515948884 +Citi Cards, PO Box 6500, Sioux Falls, SD 57117-6500
 515948887 +Fashion Bug/Spirit of America, 1103 Allen Dr., Milford, OH 45150-8763
 515948888 +Law Offices of Seymour Wasserstrum, 205 Landis Ave., Vineland, NJ 08360-8103
 515948889 Macy's/DSNB, PO Box 8218, Mason, OH 45040-8218
 515948890 +Midland Funding, 2365 Northside Drive, Suite 300, San Diego, CA 92108-2709
 515948892 Nationwide Credit, Inc., PO Box 26314, Lehigh Valley, PA 18002-6314
 515948894 +Phelan, Hallinan, Diamond & Jones, 400 Fellowship Road, Suite 100,
 Mount Laurel, NJ 08054-3437
 515948896 Sears/CBNA, PO Box 6283, Sioux Falls, SD 57117-6283
 515948897 Selip & Stylianou, LLP, 199 Crossways Park Drive, Woodbury, NY 11797-2016
 515948898 +Seterus, 14523 SW Millikan Way, Suite 200, Beaverton, OR 97005-2352
 516173260 +Seterus, Inc., PO Box 1047, Hartford, CT 06143-1047
 515948899 +Shell/CBNA, PO Box 6497, Sioux Falls, SD 57117-6497
 516237879 +TD Bank, N.A., c/o Cohn Liffand Pearlman Herrmann & Kno, Park 80 West-Plaza One,
 250 Pehle Ave., Suite 401, Saddle Brook, New Jersey 07663-5832
 515948904 +U.S. Department of Education, 61 Forsyth St. SW, Suite 19T40, Atlanta, GA 30303-8919
 516252415 US Department of Education, P O Box 16448, Saint Paul MN 55116-0448
 515948906 +Wells Fargo Card Service, PO Box 5058, Portland, OR 97208-5058

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

smg E-mail/Text: usanj.njbankr@usdoj.gov Jan 11 2017 00:17:23 U.S. Attorney, 970 Broad St.,
 Room 502, Rodino Federal Bldg., Newark, NJ 07102-2534
 smg +E-mail/Text: ustpreion03.ne.ecf@usdoj.gov Jan 11 2017 00:17:20 United States Trustee,
 Office of the United States Trustee, 1085 Raymond Blvd., One Newark Center, Suite 2100,
 Newark, NJ 07102-5235
 515948877 +E-mail/Text: BANKRUPTCY@ASSETACCEPTANCE.COM Jan 11 2017 00:17:16 Asset Acceptance,
 PO Box 1630, Warren, MI 48090-1630
 515948886 E-mail/Text: mrdiscen@discover.com Jan 11 2017 00:16:33 Discover Bank, P.O. Box 30943,
 Salt Lake City, UT 84130-0943
 515959906 E-mail/Text: mrdiscen@discover.com Jan 11 2017 00:16:33 Discover Bank,
 Discover Products Inc, PO Box 3025, New Albany, OH 43054-3025
 515948895 E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com Jan 11 2017 01:15:53
 Portfolio Recovery Associates, LLC, PO Box 12914, Norfolk, VA 23541-1223
 515984873 E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com Jan 11 2017 00:20:03
 Portfolio Recovery Associates, LLC, c/o Fashion Bug, POB 41067, Norfolk VA 23541
 515948900 E-mail/PDF: gecsedirecoverycorp.com Jan 11 2017 00:13:03 Synchrony Bank,
 Attn: Bankruptcy Dept, PO Box 965060, Orlando, FL 32896-5060
 515948903 +E-mail/Text: bankruptcy@td.com Jan 11 2017 00:17:26 TD Bank N.A., PO Box 8400,
 Lewiston, ME 04243-8400
 516238508 +E-mail/Text: bankruptcy@td.com Jan 11 2017 00:17:26 TD Bank N.A., 70 Gray Road,
 Falmouth ME 04105-2299

TOTAL: 10

***** BYPASSED RECIPIENTS (undeliverable, * duplicate) *****

515948882* Chase, PO Box 15298, Wilmington, DE 19850-5298
 515948883* Chase, PO Box 15298, Wilmington, DE 19850-5298
 515948885* +Citi Cards, PO Box 6500, Sioux Falls, SD 57117-6500
 515948891* +Midland Funding, 2365 Northside Drive, Suite 300, San Diego, CA 92108-2709
 515948893* Nationwide Credit, Inc., PO Box 26314, Lehigh Valley, PA 18002-6314
 515948901* Synchrony Bank, Attn: Bankruptcy Dept, PO Box 965060, Orlando, FL 32896-5060
 515948902* Synchrony Bank, Attn: Bankruptcy Dept, PO Box 965060, Orlando, FL 32896-5060
 515948905* +U.S. Department of Education, 61 Forsyth St. SW, Suite 19T40, Atlanta, GA 30303-8919
 TOTALS: 0, * 8, ## 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
 USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

Addresses marked '++' were redirected to the recipient's preferred mailing address
 pursuant to 11 U.S.C. 342(f)/Fed.R.Bank.PR.2002(g)(4).

District/off: 0312-1

User: admin
Form ID: pdf901

Page 2 of 2
Total Noticed: 34

Date Rcvd: Jan 10, 2017

***** BYPASSED RECIPIENTS (continued) *****

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Jan 12, 2017

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on January 9, 2017 at the address(es) listed below:

Denise E. Carlon on behalf of Creditor MTGLQ Investors, LP dcarlon@kmlawgroup.com,
bkgroup@kmlawgroup.com
Isabel C. Balboa on behalf of Trustee Isabel C. Balboa ecfmail@standingtrustee.com,
summarymail@standingtrustee.com
Isabel C. Balboa ecfmail@standingtrustee.com, summarymail@standingtrustee.com
Joshua I. Goldman on behalf of Creditor MTGLQ Investors, LP jgoldman@kmlawgroup.com,
bkgroup@kmlawgroup.com
Nona Ostrove on behalf of Debtor Dora Mae Canning nostrove@ostrovelaw.com
Nona Ostrove on behalf of Loss Mitigation Seterus, Inc., servicing agent for Federal National
Mortgage Association nostrove@ostrovelaw.com
Nona Ostrove on behalf of Loss Mitigation Seterus Inc nostrove@ostrovelaw.com
Robert P. Saltzman on behalf of Creditor Seterus, Inc. as the authorized subservicer for
Federal National Mortgage Association ("Fannie Mae"), creditor c/o Seterus, Inc. dnj@pbslaw.org
TOTAL: 8